

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Criminal Code of 1961 is amended by changing
Section 12-4.3 as follows:

(720 ILCS 5/12-4.3) (from Ch. 38, par. 12-4.3)

Sec. 12-4.3. Aggravated battery of a child.

(a) Any person of the age 18 years and upwards who intentionally or knowingly, and without legal justification and by any means, causes great bodily harm or permanent disability or disfigurement to any child under the age of 13 years or to any severely or profoundly mentally retarded person, commits the offense of aggravated battery of a child.

(a-5) Any person of the age 18 years and upwards who intentionally or knowingly, and without legal justification and by any means, causes bodily harm or disability or disfigurement to any child under the age of 13 years or to any severely or profoundly mentally retarded person, commits the offense of aggravated battery of a child.

(b) Sentence.

(1) Aggravated battery of a child under subsection (a) of this Section is a Class X felony, except that:

(A) ~~(1)~~ if the person committed the offense while armed

with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(B) ~~(2)~~ if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(C) ~~(3)~~ if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(2) Aggravated battery of a child under subsection (a-5) of this Section is a Class 3 felony.

(Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 92-434, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect January 1, 2009.